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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/822,751 | 04/13/2004 | Choung Hyep Kim | SEC.736D | 2823 |
| 20987 | 7590 | 01/26/2005 | | |
| VOLENTINE FRANCOS, & WHITT PLLC ONE FREEDOM SQUARE 11951 FREEDOM DRIVE SUITE 1260 RESTON, VA 20190 | | | | |
| | | | EXAMINER MCKINNON, TERRELL L | |
| | | | ART UNIT 3743 | PAPER NUMBER |

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,751

Applicant(s)

KIM ET AL.

Examiner

Terrell L Mckinnon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04/13/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Yukio (JP 6-177141).

Yukio discloses a temperature-controlling device for wafers comprising all of the applicant's claimed and disclosed limitations of the instant invention.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yukio (JP 6-177141) in view of Kyung et al. (U.S. 5,778,969).

Yukio's invention discloses all of the claimed limitations from above except for a plurality of guide pins extending from the upper surface of the heat transfer plate at the periphery of the upper surface, wherein each of the spacers comprises an annular

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member fitted freely around a respective one of the guide pins, whereby the annular member can be freely withdrawn from the guide pin so as to be replaceable; each of the spacers comprises a pin threaded to the heat transfer plate so that the amount by which the spacer projects from the upper surface of the heat transfer plate can be adjusted by rotating the pin; a plurality of motors each operatively associated with a respective one of the spacers, and a power transmission mechanism coupled between each of the motors and the spacer operatively associated therewith so as to transmit output torque of the motor to the spacer, whereby the motors rotate the spacers to raise and lower the same relative to the heat transfer plate.

However, Kyung teaches a plurality of guide pins extending from the upper surface of the heat transfer plate at the periphery of the upper surface, and wherein each of the spacers comprises an annular member fitted freely around a respective one of the guide pins, whereby the annular member can be freely withdrawn from the guide pin so as to be replaceable; each of the spacers comprises a pin threaded to the heat transfer plate so that the amount by which the spacer projects from the upper surface of the heat transfer plate can be adjusted by rotating the pin; a plurality of motors each operatively associated with a respective one of the spacers, and a power transmission mechanism coupled between each of the motors and the spacer operatively associated therewith so as to transmit output torque of the motor to the spacer, whereby the motors rotate the spacers to raise and lower the same relative to the heat transfer plate.

Given the teachings of Kyung, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the temperature controlling device for

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wafers of Yukio with a plurality of guide pins extending from the upper surface of the heat transfer plate at the periphery of the upper surface, and wherein each of the spacers comprises an annular member fitted freely around a respective one of the guide pins, whereby the annular member can be freely withdrawn from the guide pin so as to be replaceable; each of the spacers comprises a pin threaded to the heat transfer plate so that the amount by which the spacer projects from the upper surface of the heat transfer plate can be adjusted by rotating the pin; a plurality of motors each operatively associated with a respective one of the spacers, and a power transmission mechanism coupled between each of the motors and the spacer operatively associated therewith so as to transmit output torque of the motor to the spacer, whereby the motors rotate the spacers to raise and lower the same relative to the heat transfer plate.

Doing so would enhance the adjustability feature of the cooling system, wherein wafer cooling and servicing would be improved.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references listed on the USPTO 892 are cited for disclosing related limitations of the applicant's claimed and disclosed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrell L Mckinnon whose telephone number is 571-272-4797. The examiner can normally be reached on Monday -Thursday and every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on 571-272-4791. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Terrell L. McKinnon
Primary Examiner
Art Unit 3743
January 24, 2005